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WILLIAM A. MULLINS



(202) 663-7823 (Direct Dial)  
E Mail: [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com)

January 8, 2013

**FILED**

JAN - 8 2013

## BY HAND DELIVERY

Cynthia T. Brown, Chief  
Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington DC 20423-0001

**SURFACE  
TRANSPORTATION BOARD**

Re: *West Michigan Railroad Co. - Abandonment Exemption - In Van Buren County, MI.*  
STB Docket No AB-1107X

Dear Ms. Brown:

Pursuant to the Board's abandonment class exemption procedures for lines with no local business for at least two years (49 C.F.R. Part 1152, Subpart F), enclosed are an original and 11 copies of a verified abandonment notice of exemption encompassing a portion of the rail system of the West Michigan Railroad Co.

A check in the amount of \$3,700.00 is enclosed to cover the applicable filing fee.

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier to return to me.

ENTERED  
Office of Proceedings

Sincerely,

JAN - 8 2013

Part of  
Public Record

William A. Mullins  
Attorney for West Michigan Railroad Co.

Enclosures  
cc: J Michael Carr  
Justin Gray

**FILE RECEIVED**

JAN - 8 2013

**TRANSPORTATION BOARD**

233657

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC

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STB Docket No. AB-1107X

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WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI

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EXEMPTION NOTICE

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**FILED**  
JAN - 8 2013  
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Office of Proceedings  
JAN - 8 2013  
Part of  
Public Record

**SEE RECEIVED**  
JAN - 8 2013  
SURFACE  
TRANSPORTATION BOARD

Daniel A. Lakemper, Esq.  
General Counsel  
West Michigan Railroad Co.  
1318 S. Johanson Road  
Peoria, IL 61607

William A. Mullins  
Robert A. Wimbish  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20037  
Tel: (202) 663-7823  
Fax: (202) 663-7849

Attorneys for West Michigan Railroad Co.

January 8, 2013

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

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**EXEMPTION NOTICE**

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West Michigan Railroad Co. ("WMI") hereby submits the following notice of exemption pursuant to 49 C.F.R. Part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights), to abandon approximately 10.67 miles of railroad (hereinafter, the "Line") extending from milepost 19.88 (west of the Line's crossing of 56<sup>th</sup> Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), WMI provides the following information in support of its abandonment notice

**Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

WMI expects to be able to consummate the proposed abandonment on or after February 27, 2013 (50 days after filing the notice of exemption).

**Certification: 49 C.F.R. § 1152.50(b)**

WMI certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. Part 1152, Subpart F. See Verification of J. Michael Carr, President, West Michigan Railroad Co., attached hereto as Exhibit A. During the past two years, there has been no local common carrier service provided over the Line nor have there been any requests

for common carrier service during that period, but portions of the Line may have been used for purposes of freight car storage. Use of the line for freight car storage, however, does not disqualify WMI from invoking the Board's abandonment notice of exemption procedures.<sup>1</sup>

**Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

West Michigan Railroad Co.

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

WMI is a Class III common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV

Relief sought (49 C.F.R. § 1152.22(a)(3))

WMI has invoked the Board's two-year-out-of-service class exemption procedures to abandon approximately 10.67 miles of railroad (hereinafter, the "Line") extending from milepost 19.88 (west of the Line's crossing of 56<sup>th</sup> Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI).

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicant's representative (49 C.F.R. § 1152.22(a)(7)):

WMI's representative to whom correspondence regarding this abandonment should be sent is as follows:

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<sup>1</sup> See, e.g., Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey and Vanderburgh Counties, Ind., STB Docket No. AB 1065X (STB served Dec. 23, 2010); cf., The New York, Susquehanna and Western Railway Corporation – Discontinuance of Service Exemption--in Broome and Chenango Counties, NY, STB Docket No. AB-286 (Sub-No. 5X) (STB served Aug. 25, 2008) (distinguishing railcar storage, a private service, from common carrier service).

William A. Mullins  
Robert A. Wimbish  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW, Suite 300  
Washington, DC 20037  
Tel. (202) 663-7823  
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line lies within U.S. Postal Service ZIP Codes territories 49064 and 49079.

Rural and Community Impact (49 C.F.R. § 1152.22(e)(4)):

Because the Line has been dormant for over two years, WMI anticipates no adverse rural or community impact will result from the proposed abandonment. For the same reason, there will be no effect on regional or local transportation systems and patterns as a result of WMI's abandonment, and there will be no diversion of traffic to other transportation systems or modes.

It is WMI's understanding that the proposed abandonment will facilitate the objectives of the State of Michigan Department of Transportation ("MDOT") to improve roadway conditions in the vicinity of the Line by allowing the public rail-highway grade crossings along the Line to be removed. MDOT has determined that the subject grade crossings should be repaired or removed, and has demanded that WMI take remedial action in that regard. WMI has concluded that removal of the subject crossings would be the more practical option under the circumstances, but, of course, to facilitate removal of the crossings, WMI must first accomplish the subject abandonment, hence the reason for this abandonment notice of exemption.

The Line does not contain federally-granted right-of-way. As appropriate, WMI is willing promptly to make available any information in its possession to anyone so requesting it.

### **Labor Protection**

The interests of affected railroad employees, if any, will be protected by the conditions discussed in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

### **Certifications**


Attached hereto as Exhibit C are Certificates of Service and Publication certifying that WMI has complied with the notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certification of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11

### **Environmental and Historic Report**

In keeping with its certification of compliance with the provisions of 49 C.F.R. § 1105.11, WMI has prepared a consolidated Environmental and Historic Report ("E&HR") conforming to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of that E&HR was previously served upon the Board's Office of Environmental Analysis, but is also attached hereto as Attachment 1 to Exhibit D (WMI's section 1105.11 certification)

Respectfully submitted,

Daniel A. Lakemper, Esq.  
General Counsel  
West Michigan Railroad Co.  
1318 S. Johanson Road  
Peoria, IL 61607

  
William A. Mullins  
Robert A. Wimbish  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave, NW  
Suite 300  
Washington, DC 20037  
Tel: (202) 663-7823  
Fax: (202) 663-7849

Attorneys for West Michigan Railroad Co.

January 8, 2013

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

---

**STB Docket No. AB-1107X**

---

**WEST MICHIGAN RAILROAD CO.  
– ABANDONMENT EXEMPTION –  
IN VAN BUREN COUNTY, MI**

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**EXEMPTION NOTICE**

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**EXHIBIT A**

**VERIFICATION**

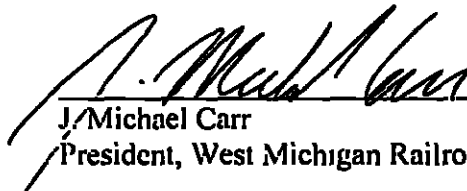
### **VERIFICATION**

I, J Michael Carr, President of West Michigan Railroad Co. ("WMI") hereby verify and certify that no local traffic has moved over the subject portion of WMI's rail system (the "Line") extending from milepost 19.88 (west of the Line's crossing of 56<sup>th</sup> Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI) for at least two years.

I also hereby verify and certify that there is no overhead traffic on the Line that has been, or would need to be, rerouted as a result of the proposed abandonment. I further verify and certify that no formal complaint filed by a user of rail service on the Line (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the said two-year period. I also certify that I am duly authorized to make this verification.

I hereby verify that the information contained in the foregoing abandonment notice of exemption is true and correct to the best of my information and belief.

Dated: January 3, 2013

  
\_\_\_\_\_  
J. Michael Carr  
President, West Michigan Railroad Co.



**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

---

**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

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**EXEMPTION NOTICE**

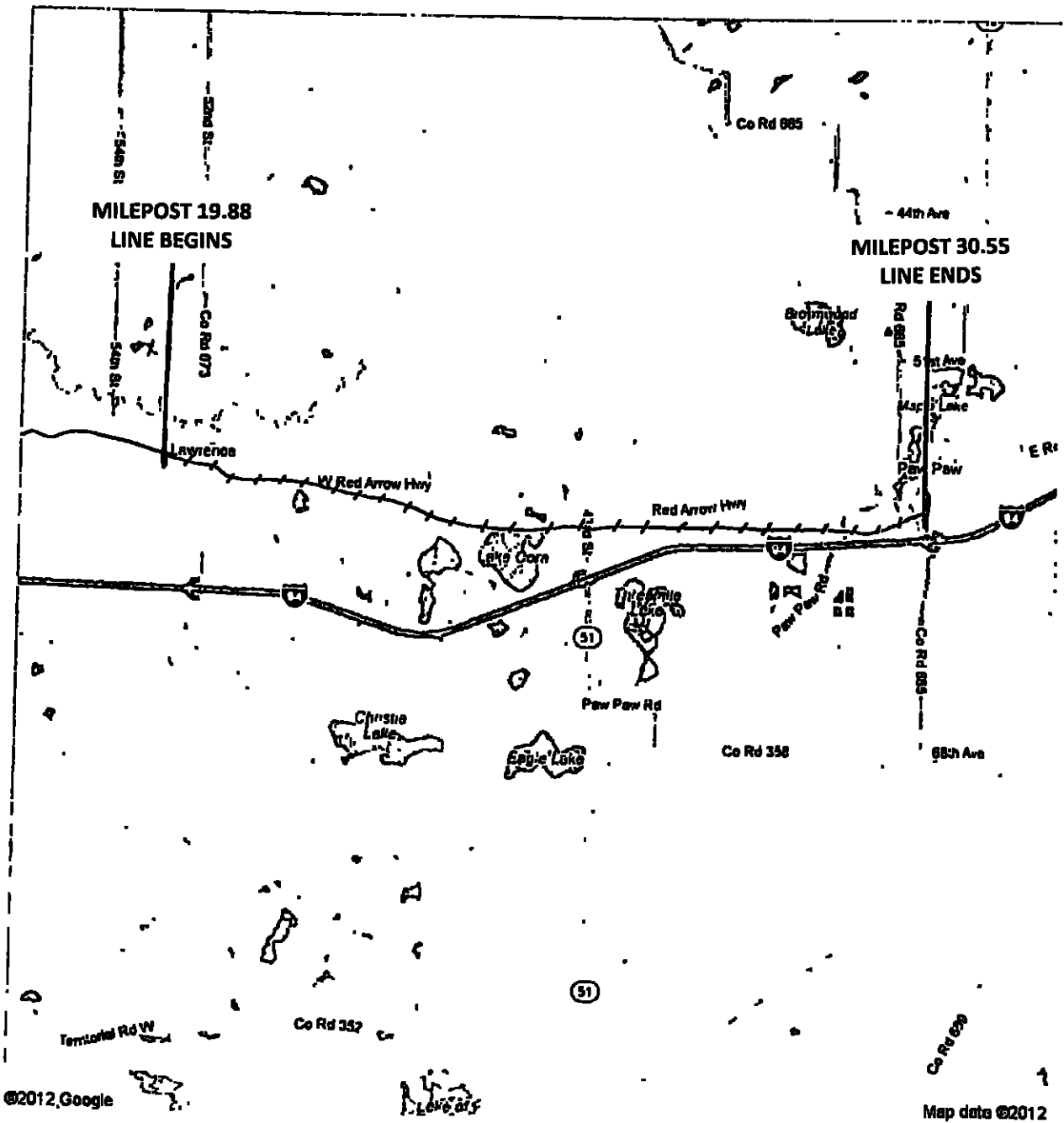
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**EXHIBIT B**

**MAP**

Google

Get Google Maps on y  
Text the word "GMAPS"



**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

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**EXEMPTION NOTICE**

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**EXHIBIT C**

**CERTIFICATIONS OF  
SERVICE/PUBLICATION**

**Certificate of Service**

**49 C.F.R. § 1152.50(d)(1) – Notice**

I certify that, in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1), I served the following parties with the written notice of intent of West Michigan Railroad Co. to use the Board's notice of exemption procedures to abandon approximately 10.67 miles of railroad line located in Van Buren County, MI:

**Public Service Commission**

Orjiakor Isiogu  
Commissioner  
Michigan Public Service Commission  
4300 W. Saginaw Highway  
P.O. Box 30221  
Lansing, MI 48909

**Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)**

David Dorfman  
SDDC TEA  
Railroads for National Defense  
709 Ward Dr., Bldg. 1990  
Scott AFB, IL 62225  
Telephone: (618) 220-5741

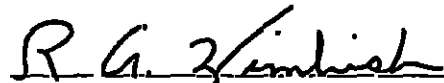
**The National Park Service, Recreation Resources Assistance Division**

Charlie Stockman  
National Park Service  
Rivers & Trails Conservation Program  
1201 Eye Street, NW, 9th Floor (Orig. Code 2220)  
Washington, D.C. 20005  
Telephone: (202) 354-6900

**U.S. Department of Agriculture, Chief of the Forest Service**

Thomas L. Tidwell, Chief  
Forest Service  
U.S. Department of Agriculture  
Sidney R. Yates Federal Building  
201 14th Street SW  
Washington, DC 20024

January 8, 2013

  
Robert A. Wimbish  
Attorney for West Michigan Railroad Co

**Certificate of Publication**

**49 C.F.R. § 1105.12 – Newspaper Notice**

I certify that a "Notice of Intent to Abandon" was published in the form prescribed by the Board for a Notice of Exemption (49 C.F.R. § 1105.12). The notice was published one time in the Courier Leader (December 21, 2012), a newspaper of general circulation in Van Buren County, MI, through which the subject rail line proposed for abandonment traverses.

January 8, 2013

  
Robert A. Wimbish  
Attorney for West Michigan Railroad Co.

## PUBLISHER'S AFFIDAVIT

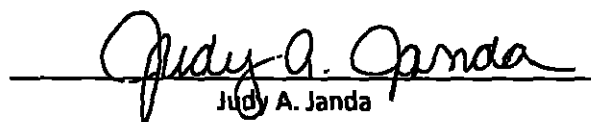
OFFICE OF  
**THE COURIER-LEADER**  
PAW PAW, MI 49079  
STATE OF MICHIGAN  
COUNTY OF VAN BUREN,

Robin L. Racette-Griffin

Being duly sworn, says I am the printer of  
**THE COURIER-LEADER**,  
a weekly newspaper printed and circulating in  
said county, that the annexed is a printed copy  
of a notice published in said paper, December 21,  
A D. 2012.

  
Robin L. Racette-Griffin, Printer.

Subscribed and sworn to before me on this  
21<sup>st</sup> day of December, A D. 2012.

  
Judy A. Janda

NOTARY PUBLIC, VAN BUREN COUNTY, MICHIGAN

JUDY A. JANDA  
Notary Public, VanBuren Co., MI  
My Commission Expires 11/24/2014

### NOTICE OF INTENT TO ABANDON RAIL SERVICE

STB Docket No. AB-1107X

West Michigan Railroad Co. ("WMI") gives notice that on or about January 7, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption pursuant to 49 CFR 1152 Subpart F - Exempt Abandonments, permitting WMI to abandon approximately 10.67 miles of rail line (the "Line") located in Van Buren County, Michigan, extending from milepost 19.88 (west of the Line's crossing of 56th Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The subject Line traverses United States Postal Zip Codes territories 49064 and 49079. The proceeding will be docketed as STB Docket No. AB-1107X.

The proposed action entails the abandonment of, and discontinuance of rail service over, the Line. The Board's Office of Environmental Analysis (OEA) generally will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the abandonment notice of exemption.

Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Chief of the Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [see 49 CFR 1104.12(a)].

Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: William A. Mulhns, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., #300, Washington, DC 20037; phone 202-663-7823, fax 202-663-7849.

Dec. 21, 2012

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

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**EXEMPTION NOTICE**

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**EXHIBIT D**

**CERTIFICATION OF COMPLIANCE  
WITH ENVIRONMENTAL AND  
HISTORIC REPORT REQUIREMENTS**

**Certificate of Compliance**

**49 C.F.R. § 1105.11 – Advance Distribution of Environmental and Historic Report**

I hereby certify that, on December 18, 2012, a copy of West Michigan Railroad Co.'s Consolidated Environmental and Historic Report (appended hereto as Attachment 1) for the proposed abandonment encompassed by STB Docket No. AB-1107X, along with a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11, was served upon the following entities as prescribed by 49 C.F.R. §§ 1105.7(b) and 1105.8(c) (a sample copy of the transmittal letters is also appended hereto as part of Attachment 1):

**State Clearinghouse**

Diane Burton, LARA Executive Office  
Michigan Department of Energy, Labor & Economic Growth  
611 West Ottawa  
Lansing, MI 48933  
(517) 373-1820

Jeannine Farkas, Section Secretary  
Michigan Department of Transportation  
Rail Safety Section  
425 West Ottawa  
P.O. Box 30050  
Lansing, Michigan 48909  
(517) 373-8235

**State Environmental Protection Agency**

Jim Kasprzak, Chief  
Michigan Department of Environmental Quality  
P.O. Box 30473  
Lansing, MI 48909-7973  
(517) 241-7427

**State Coastal Zone Management**

Jim Milne, Chief Great Lakes Shore Land Unit  
Michigan Department of Environmental Quality  
Water Resources Division  
525 West Allegan Street  
P.O. Box 30458  
Lansing, MI 48909-7958  
(269) 567-3500



**Head of each county &/ or political entity**

Chris Randall  
Chairman, Board of Commissioners  
Van Buren County  
300 W. White Oak Road  
Lawton, MI 49065

Ken Barnett  
Supervisor - Lawrence Township  
205 N. Paw Paw St.  
P O. Box 442  
Lawrence, MI 49064-0442

David Richardson  
Supervisor - Paw Paw Township  
Township Hall Building  
114 N. Gremps St.  
Paw Paw, MI 49079

Mary Webster  
Village President - Village of Lawrence  
PO Box 217  
157 N. Paw Paw  
Lawrence, MI 49079

Larry Nielsen  
Village Manager - Village of Paw Paw  
111 E. Michigan Ave  
Paw Paw, Michigan 49079-0179

**Regional Office of the Environmental Protection Agency**

Susan Hedman, Region 5 Administrator  
US Environmental Protection Agency - Region 5  
Mailcode: R19J  
77 W. Jackson Blvd  
Chicago, IL 60604  
(312) 886-3000

**The US Fish & Wildlife Service**

Tom Melius, Regional Director - Midwest Region  
U.S. Fish and Wildlife Service  
5600 American Blvd. West, Suite 990  
Bloomington, MN 55437-1458  
(612) 713-5360

**U.S. Army Corp of Engineers**

Commander James L. Booth  
Executive Office  
U S Army Corps of Engineers Detroit District  
477 Michigan Ave  
Detroit, MI 48226

**The National Park Service**

Charlie Stockman  
Rivers, Trails and Conservation Assistance Program  
National Park Service - RTCA Program  
1201 Eye St., NW, 9th Floor (Org Code 2240)  
Washington, DC 20005

**Natural Resources Conservation Service**

Garry Lee, State Conservationist  
Natural Resources Conservation Service  
3001 Coolidge Road, Suite 250  
East Lansing, Michigan 48823  
(517) 324-5270

**US Soil Conservation Service**

Dave White, Chief  
USDA, NRCS, Office of the Chief  
1400 Independence Ave., SW, Room 5105-A  
Washington, DC 20250  
(202) 720-7246

**National Geodetic Survey**

Juliana Blackwell, Director  
National Geodetic Survey  
1315 East-West Highway  
Silver Spring, MD 20910-3282  
(301) 713-3242

**State Historic Preservation**

Brian D Conway, Michigan State Historic Preservation Officer  
Michigan State Housing Development Authority - State Historic Preservation Office  
735 E. Michigan Avenue  
P O. Box 30044  
Lansing, MI 48909  
(517) 373-8370

**Public Service Commission**

Orjiakor Isiogu  
Commissioner - Michigan Public Service Commission  
4300 W. Saginaw Highway  
P.O. Box 30221  
Lansing, MI 48909

**Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)**

David Dorfman  
SDDC TEA  
Railroads for National Defense  
709 Ward Dr., Bldg. 1990  
Scott AFB, IL 62225  
Telephone: (618) 220-5741

**The National Park Service, Recreation Resources Assistance Division**

Charlie Stockman  
National Park Service - Rivers & Trails Conservation Program  
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Washington, D C. 20005  
Telephone: (202) 354-6900

**U.S. Department of Agriculture, Chief of the Forest Service**

Thomas L. Tidwell, Chief  
Forest Service  
U S Department of Agriculture  
Sidney R. Yates Federal Building  
201 14th Street SW  
Washington, DC 20024



Robert A. Wimbish

Attorney for West Michigan Railroad Co.

January 8, 2013

**ATTACHMENT 1**  
**ENVIRONMENTAL AND HISTORIC REPORT**  
**INCLUDING SAMPLE TRANSMITTAL LETTER**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
– ABANDONMENT EXEMPTION –  
IN VAN BUREN COUNTY, MI**

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**CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT**

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**William A. Mullins  
Robert A. Wimbish  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20037  
Tel: (202) 663-7823  
wmullins@bakerandmiller.com**

**December 18, 2012**

**Attorneys for West Michigan Railroad Co.**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

---

**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

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**CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT**

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In the above-captioned proceeding, West Michigan Railroad Co. ("WMI") intends to abandon approximately 10.67 miles of railroad (hereinafter, the "Line") extending from milepost 19.88 (west of the Line's crossing of 56<sup>th</sup> Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The Line proposed for abandonment is located entirely in Van Buren County, Michigan. In accordance with 49 CFR §§ 1105.7 and 1105.8, WMI hereby submits the following consolidated Environmental and Historic Report ("E&HR" or "Report"):

**ENVIRONMENTAL REPORT**

**(1) PROPOSED ACTION AND ALTERNATIVES**

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

WMI<sup>1</sup> proposes to abandon approximately 10.67 miles of rail line (extending from milepost 19.88 (west of the Line's crossing of 56<sup>th</sup> Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The Line is located in Van Buren County, Michigan. A map delineating the proposed project/abandonment is attached as Exhibit 1. Upon obtaining authority to abandon the Line, WMI plans to remove the Line's rail and salvageable track material (such as tie plates, fasteners, crossties, and, possibly, the upper layer of ballast), and will dispose of the underlying real estate comprising the Line's right-of-way to the extent it is held in fee by WMI.

The Line has been out of service for over two years, and WMI may therefore avail itself

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<sup>1</sup> WMI is among 17 Class III railroads commonly controlled by Pioneer Railcorp ("Pioneer"). See Pioneer Railcorp - Continuance in Control Exemption - Georgia Southern Railway Co., STB Finance Docket No. 35323 (STB served December 2, 2009).

of the two-year-out-of-service abandonment provision at 49 CFR part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights)

WMI does not intend as part of its planned track salvage and/or re-deployment to disturb the sub-grade or sub-grade structures, and it will not engage in any excavation or soil/ground disturbance activities. Abandonment and the resultant salvage of the Line will eliminate 34 at-grade rail-highway crossings – 14 private crossings, and 20 public crossings.

The only alternative to abandonment would be for WMI not to abandon the Line, and instead to retain the Line, and to incur losses associated with the ownership of unused rail assets. In addition, the Michigan Department of Transportation (“MDOT”) has informed WMI that the public at-grade crossings along the Line are regarded by MDOT as a burden on local highway transportation. For this reason, MDOT has demanded WMI either to improve crossing surface conditions (potentially at costs to be borne by local transportation authorities and municipalities that ultimately may be responsible for crossing surfaces upkeep) or to remove the crossings. Accordingly, the proposed abandonment would advance MDOT’s highway transportation objectives. The no-action alternative, in which the rail assets would remain in place, would frustrate WMI’s and, by extension, Pioneer’s to extract value from otherwise unused assets, and, as appropriate, to re-deploy certain of the Line’s rail assets on other Pioneer-controlled railroads. The no-action alternative would also force certain at-grade crossing surface improvement costs upon WMI and the surrounding communities.

## **(2) TRANSPORTATION SYSTEM**

**Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.**

The Line has been inactive for over two years, and, for this reason, the proposed abandonment will have no impact on regional or local transportation systems and patterns. No passenger or freight traffic would be diverted to other systems or modes as a result of the proposed abandonment.

## **(3) LAND USE**

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

WMI believes that the proposed abandonment is consistent with, and would promote, existing land use plans. The land adjoining the Line consists of rural open lands (fields), forested areas, residential (suburban-style) communities, and light industrial sites.

By letters dated December 18, 2012, copies of this Report have been mailed to the appropriate local and state contacts, including representatives of Van Buren County, Lawrence Township, Paw Paw Township, Village of Lawrence, and the Village of Paw Paw for their input and comment. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2

- (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

WMI does not believe that there is any prime agricultural land that would be adversely affected by the proposed abandonment. As indicated above, the land through which the Line traverses includes flat terrain and some rolling hills. Furthermore, the proposed abandonment should not in any way contribute to farmland loss, and could in fact permit the abandoned right-of-way to be converted, where practicable, to farmland use. Nevertheless, WMI has notified the United States Department of Agriculture's Natural Resources Conservation Service of the proposed abandonment by letter dated December 18, 2012 (to which letter this E&IR was appended), soliciting input on the proposed abandonment's potential effects on prime agricultural land. See E&IR Consultation Letter Example and Service List, attached as Exhibit 2

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

WMI has reviewed the Michigan Department of Environmental Quality, Water Resources Division's ("MDEQWR") Coastal Zone Boundary Maps and determined that the proposed abandonment would not be subject to review under any coastal zone management plan. Nevertheless, to assure compliance with the requirements of 49 CFR § 1105.9, WMI has served a copy of this Report on MDEQWR by letter dated December 18, 2012. See E&IR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.**

WMI believes that the Line might be suitable for alternate public use. For example, the Line's right-of-way might be suited for use as a recreational trail.

**(4) ENERGY**

- (i) Describe the effect of the proposed action on transportation of energy resources.**

There has been no local or overhead traffic on the Line in at least two years, and, for this reason, the proposed abandonment will have no effect on the transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

Because the Line has been inactive for two years, the proposed abandonment should have no effect on the transportation and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

Because the proposed abandonment involves an out-of-use rail line, the abandonment should have no effect on overall energy usage.



(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

- (A) 1,000 rail carloads a year; or
- (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

The Line has been inactive for at least two years. There will be no diversion of traffic to motor carriers as a result of the proposed abandonment, and, by extension, there will be no traffic diversions that would exceed the thresholds stated above.

(5) AIR

(i) If the proposed action will result in either:

- (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
- (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply.

The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:

- (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
- (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, the state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line,

only the three train a day threshold in this item shall apply.

Based upon 40 CFR § 81.323, WMI believes that Van Buren County is *not* designated as a non-attainment area, and that the above-stated thresholds are therefore inapplicable. Nevertheless, the above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable

(6) **NOISE**

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

None of the thresholds in item 5(i) of this section will be exceeded.

(7) **SAFETY**

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment of a long-out-of-service rail line should have no material adverse impact on public health and safety. In fact, if the abandonment is granted and the Line is salvaged, WMI will close permanently 20 public road crossings and 14 private crossings, thereby enhancing safety by facilitating MDOT's interest in safer driving conditions, and eliminating distractions to vehicular traffic crossing the Line.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

No hazardous materials are expected to be transported, and, indeed, no traffic of any kind has moved over the Line in more than two years.

- (iii) **If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way; identify the location of those sites and the types of hazardous materials involved.**

WMI has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the Line's right-of-way or on adjacent land.

## **(8) BIOLOGICAL RESOURCES**

- (i) **Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

WMI does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. WMI has notified the regional office of the U.S. Fish and Wildlife Service ("USF&W") in an effort to determine whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as critical habitat. A copy of this Report was attached to the letter sent to USF&W See E&IR Consultation Letter Example and Service List, attached as Exhibit 2.

WMI's proposed rail salvage activities would take place entirely upon existing WMI right-of-way. Access to WMI's right-of-way for purposes of any salvage activity would be accomplished via the right-of-way itself, and/or via existing public and/or private grade crossings. The proposed abandonment and anticipated track salvage would not require the creation of new access points to the Line, and would not involve removal of trees or other wildlife habitat on lands adjacent to the existing railroad right-of-way.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based on investigation, WMI is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment. Nevertheless, WMI has notified the National Park Service ("NPS") of the proposed abandonment. A copy of this Report was attached to the letter sent to NPS. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

## **(9) WATER**

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

WMI is confident that the proposed abandonment will be consistent with applicable water quality standards. In connection with this issue, WMI has contacted the Michigan Department of Environmental Quality ("MDEQ") and the United States Environmental Protection Agency

("USEPA") by letters dated December 18, 2012. A copy of this report was attached to each of the letters. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

As indicated above, WMI anticipates that, following the effective date of the subject abandonment exemption notice, it will engage in the salvage of the Line's track and track material. But any such track salvage activities will take place above the surface of the ground, and, thus, salvage will not involve any excavation, grading, or other ground or soil disturbance. As a result, the proposed abandonment will not trigger the need for any storm water mitigation, including a National Pollutant Discharge Elimination System ("NPDES") permit.

- (ii) **Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

WMI believes that – (1) no permits under section 404 of the Clean Water Act will be required for the proposed abandonment, and (2) no designated wetlands or 100-year flood plains will be affected. Upon receiving abandonment authority, removal of track material will be accomplished by use of the right-of-way for access, along with access via existing public and private crossings as necessary. No new access roads will be created for purposes of track salvage. WMI will not disturb any of the Line's underlying roadbed, nor will it undertake any ground disturbance activities that would cause sedimentation or erosion of the soil (such as excavation or grading), and WMI does not anticipate any dredging or use of fill in the removal of the track material. Moreover, WMI does not anticipate undertaking any salvage activity that would disturb streams, streambeds, or wetlands. The cross-ties and/or other debris associated with salvage, if removed, will be transported away from the Line, and will not be discarded along the right-of-way. Such materials will not be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. For these reasons, WMI believes that a permit under Section 404 of the Clean Water Act will not be required.

WMI has contacted the U.S. Army Corps of Engineers –by letter dated December 18, 2012. A copy of this Report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iii) **State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.**

WMI believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. (See discussion in section 9 (i) and (ii), above.) Nevertheless, WMI has contacted the MDEQ and the USEPA by letter dated December 18, 2012, seeking guidance on any potential water quality impacts (based on applicable water quality standards) and in determining whether the proposed abandonment is consistent with such federal, state, or local standards. A copy of this report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

**(10) PROPOSED MITIGATION**

**Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.**

WMI does not expect any adverse environmental impact will result from the proposed abandonment and, therefore, is of the opinion that mitigating action is unnecessary. WMI will, of course, cooperate in any further evaluation of proposed remedial/mitigation actions which interested federal, state, and/or local agencies may recommend to the Board.

**(11) ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS**

Not applicable

## HISTORIC REPORT

### 49 CFR § 1105.8(d):

- (1) **A.U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;**

Topographic maps depicting the location of the proposed abandonment and the location of structures that are 50 years old or older and that are located along the Line are attached as Exhibit 3. These maps are being supplied to the Michigan State Housing Development Authority – State Historic Preservation Office (“MISHPO”) as part of a complete copy of this report. WMI understands that there are 2 railroad structures on the Line that are believed to be 50 years old or older, each of them a bridge.

- (2) **A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;**

According to WMI records, the Line's right-of-way is predominantly 50 feet in width. The Line runs adjacent to lands of varying uses, ranging from forested open land and rural farmland to commercial and residential areas. The topography is generally flat, with some rolling hills

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;**

WMI has determined that there are two structures along the Line – each of them are trestles or bridges – that may be 50 years old or older, and the location of each such structure is shown on the U.S.G.S. maps attached as Exhibit 3.<sup>2</sup> The two bridges are as follows: (1) a roughly 37' steel and wood trestle at milepost 22.54, and (2) a roughly 67' wooden span at milepost 29.8. WMI has photographed and documented each of these structures, and has supplied original photographs of each such structure to MISHPO for evaluation. (Copies of the aforementioned photographs are attached hereto as Exhibit 4.) Aside from the materials included in Exhibit 4, WMI does not have any additional information in its possession (such as engineering diagrams or other records) that would be useful in aiding in any historical structures analysis.

WMI does not anticipate removing or dismantling either of the two bridges..

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<sup>2</sup> WMI has no records permitting it to confirm definitively that the two bridges are indeed 50 years old or older. Based on construction, design, and current condition, WMI is of an opinion, however, that the two bridges are most likely at least 50 years old

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

According to the limited information in WMI's possession, the two bridges along the Line are believed to have been built at least 50 years ago. WMI does not know when these two bridges were built, and has no construction or engineering records that could aid in determining a likely construction date. WMI has not undertaken any major improvements to these bridges during the time that WMI has owned the Line.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

WMI has no historical records of its own relating to the Line. Based on research, however, WMI understands that the Line was constructed by the Toledo and South Haven Railroad ("TSHR") in 1877. TSHR was a predecessor to the Pere Marquette Railway, which became a subsidiary of the Chesapeake and Ohio Railway Company ("C&O"). In 1986, C&O sold the Line to Southwestern Michigan Railroad Company, Inc., d/b/a Kalamazoo, Lake Shore & Chicago Railway ("KLSC") pursuant to Southwestern Michigan Railroad Company, Inc., d/b/a Kalamazoo, Lake Shore & Chicago Railway - Acquisition and Operation Exemption - The Chesapeake and Ohio Railway Company, ICC Finance Docket No. 30803 (ICC served Apr. 22, 1986).

WMI (formerly known as West Jersey Railroad Co.) assumed operation of the Line in June of 1995 upon KLSC's bankruptcy, and later in the same year acquired the Line through the KLSC bankruptcy proceeding. See West Michigan Railroad Co. - Purchase and Operation Exemption - Rail Line of the Kalamazoo, Lake Shore & Chicago Railway Co. Between Hartford and Paw Paw, Michigan, ICC Finance Docket No. 32787<sup>3</sup>

WMI is unaware of the extent to which KLSC or C&O (or C&O's predecessors may have modified the Line or the track and track structures along the Line, although WMI discovered that portions of the Line were without track at the time WMI acquired the Line in 1995<sup>4</sup>

WMI intends, upon the effectiveness of the abandonment exemption, to terminate its rail common carrier obligation over, and to abandon, the Line. WMI would salvage the rail and track material that possesses positive net salvage value, and potentially may opt to re-deploy salvaged items on other Pioneer-controlled rail lines. WMI does not intend to dismantle or remove any bridges along the Line. The right-of-way will either be disposed of or the easements will be relinquished (to the extent WMI does not own in fee any portion of the subject right-of-way), or the corridor may be preserved under an interim trail use arrangement.

<sup>3</sup> WMI is a subsidiary of short line holding company Pioneer Railcorp.

<sup>4</sup> For example, at the time WMI sought ICC authority to acquire the Line, WMI pointed out that the portion of the Line between milepost 30.30 and the ends of the line at milepost 30.55 was without track. WMI presumed that KLSC may have removed the track without first obtaining ICC abandonment authority.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;**

As indicated above, the Line appears to have been built in the early 1870s, but WMI is one of many subsequent owners of these rail assets. WMI was not supplied with, and does not have, engineering drawings of the two bridges identified above. In fact, the only relevant documents in WMI's possession have been included in Exhibit 4.

- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);**

As indicated above, WMI's records indicate that there are 2 structures (bridges) on or adjacent to the Line that WMI believes may be 50 years old or older. In WMI's opinion, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to MISHPO suggest, none of the subject structures appears to have unique or otherwise significant design characteristics. Moreover, neither of these structures is linked to events or historic significance. WMI understands that the two bridges in question could remain in use in the event that the Line's right-of-way was to be converted into recreational trail. And, again, WMI has no plans to remove or alter either of the two bridges located along the line (aside from possibly removing the rail and other track material located upon or along the structures).

WMI is unaware of any archeological resources or any other previously unknown historic properties on the Line's right-of-way.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.**

WMI has no records of, and is unaware of, any known subsurface ground disturbance or fill, or environmental conditions that might affect the recovery of archeological resources. Undoubtedly, track work and/or construction has occurred regularly over the many years that the Line has been in operation. Such work may have affected the potential for recovery of archeological resources.



**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

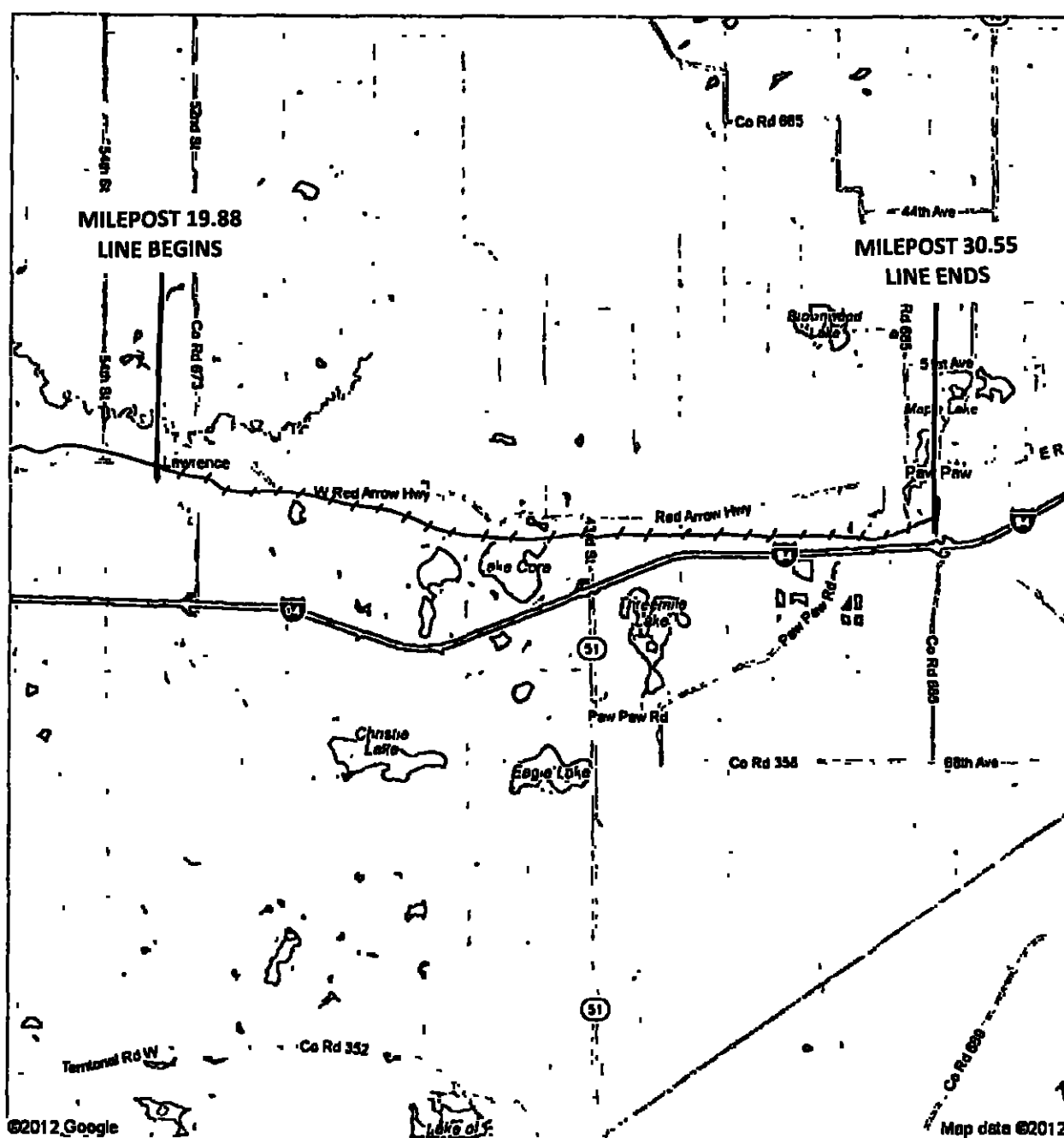
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**CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT**

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**EXHIBIT 1 - LOCATION MAP**

Get Google Maps on y  
Text the word "GMAPS"



**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

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**CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT**

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**EXHIBIT 2 – CONSULTATION LETTER [EXAMPLE] AND SERVICE LIST**

**STB Docket No. AB-  
SERVICE LIST pursuant to 1105.7**

**State Clearinghouse**

Diane Burton, LARA Executive Office  
Michigan Department of Energy, Labor & Economic Growth  
611 West Ottawa  
Lansing, MI 48933  
(517) 373-1820

Jeannine Farkas, Section Secretary  
Michigan Department of Transportation  
Rail Safety Section  
425 West Ottawa  
P.O. Box 30050  
Lansing, Michigan 48909  
(517) 373-8235

**State Environmental Protection Agency**

Jim Kasprzak, Chief  
Michigan Department of Environmental Quality  
P.O. Box 30473  
Lansing, MI 48909-7973  
(517) 241-7427

**State Coastal Zone Management**

Jim Milne, Chief Great Lakes Shore Land Unit  
Michigan Department of Environmental Quality  
Water Resources Division  
525 West Allegan Street  
P.O. Box 30458  
Lansing, MI 48909-7958  
(269) 567-3500

**Head of each county &/ or political entity**

Chris Randall  
Chairman, Board of Commissioners  
Van Buren County  
300 W White Oak Road  
Lawton, MI 49065

Ken Barnett  
Supervisor  
Lawrence Township  
205 N. Paw Paw St.  
P.O. Box 442  
Lawrence, MI 49064-0442

David Richardson  
Supervisor  
Paw Paw Township  
Township Hall Building  
114 N. Gremps St.  
Paw Paw, MI 49079

Mary Webster  
Village President  
Village of Lawrence  
PO Box 217  
157 N. Paw Paw  
Lawrence, MI 49079

Larry Nielsen  
Village Manager  
Village of Paw Paw  
111 E. Michigan Ave  
Paw Paw, Michigan 49079-0179

**Regional Office of the Environmental Protection Agency**

Susan Hedman, Region 5 Administrator  
US Environmental Protection Agency - Region 5  
Mailcode. R19J  
77 W. Jackson Blvd  
Chicago, IL 60604  
(312) 886-3000

**The US Fish & Wildlife Service**

Tom Melius, Regional Director  
Midwest Region  
U S. Fish and Wildlife Service  
5600 American Blvd West, Suite 990  
Bloomington, MN 55437-1458  
(612) 713-5360

**U.S. Army Corp of Engineers**

Commander James L. Booth  
Exccutive Office  
U.S. Army Corps of Engineers Detroit District  
477 Michigan Ave  
Detroit, MI 48226

**The National Park Service**

Charlie Stockman  
Rivers, Trails and Conservation Assistance Program  
National Park Service  
RTCA Program  
1201 Eye St., NW, 9th Floor (Org Code 2240)  
Washington, DC 20005

**Natural Resources Conservation Service**

Garry Lee, State Conservationist  
Natural Resources Conservation Service  
3001 Coolidge Road, Suite 250  
East Lansing, Michigan 48823  
(517) 324-5270

**US Soil Conservation Service**

Dave White, Chief  
USDA, NRCS, Office of the Chief  
1400 Independence Ave , SW, Room 5105-A  
Washington, DC 20250  
(202) 720-7246

**National Geodetic Survey**

Juliana Blackwell, Director  
National Geodetic Survey  
1315 East-West Highway  
Silver Spring, MD 20910-3282  
(301) 713-3242

**State Historic Preservation**

Brian D. Conway, Michigan State Historic Preservation Officer  
Michigan State Housing Development Authority - State Historic Preservation Office  
735 E. Michigan Avenue  
P.O. Box 30044  
Lansing, MI 48909  
(517) 373-8370

Advance Notice Contacts

Service List pursuant to 1152.50

**Public Service Commission**

Oijiakor Isiogu  
Commissioner  
Michigan Public Service Commission  
4300 W Saginaw Highway  
P.O. Box 30221  
Lansing, MI 48909

**Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)**

David Dorfman  
SDDC TEA  
Railroads for National Defense  
709 Ward Dr , Bldg. 1990  
Scott AFB, IL 62225  
Telephone: (618) 220-5741

**The National Park Service, Recreation Resources Assistance Division**

Charlie Stockman  
National Park Service  
Rivers & Trails Conservation Program  
1201 Eye Street, NW, 9th Floor (Org. Code 2220)  
Washington, D.C. 20005  
Telephone: (202) 354-6900

**U.S. Department of Agriculture, Chief of the Forest Service**

Thomas L. Tidwell, Chief  
Forest Service  
U.S. Department of Agriculture  
Sidney R. Yates Federal Building  
201 14th Street SW  
Washington, DC 20024



# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
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TELEPHONE (202) 663-7820  
FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)  
E-Mail: [rwimbish@bakerandmiller.com](mailto:rwimbish@bakerandmiller.com)

December 18, 2012

Thomas L. Tidwell, Chief  
Forest Service  
U.S. Department of Agriculture  
Sidney R. Yates Federal Building  
201 14th Street SW  
Washington, DC 20024

RE: *West Michigan Railroad Co - Abandonment Exemption - In Van Buren  
County, MI, STB Docket No. AB-1107X*

Dear Chief Tidwell:

On or about January 7, 2013, West Michigan Railroad Company ("WMI") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F (Exempt Abandonments, et al.), in which WMI will seek to abandon approximately 10.67 miles of rail line located in Van Buren County, Michigan. The subject rail line proposed for abandonment (the "Line") extends from milepost 19.88 (west of the Line's crossing of 56<sup>th</sup> Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The Line traverses United States Postal Zip Code territories 49064 and 49079.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, 395 L Street, SW, Washington, DC 20423-0001; TEL. (202) 245-0295, and refer to STB Docket No. AB-1107X. You may also contact the undersigned counsel for WMI. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to OEA, if any, would be appreciated within 3 weeks. As undersigned counsel for WMI, I would

Thomas L. Tidwell, Forest Service, U.S. Department of Agriculture  
December 18, 2012  
Page 2

appreciate a copy of any comments you may file

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. To the extent such a comment is received before WMI files this Notice of Exemption, your feedback will be included in WMI's Report filed with the STB. If WMI receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment

As noted in the E&HR, WMI does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Line does not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with WMI's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, WMI's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: [rwimbish@bakerandmiller.com](mailto:rwimbish@bakerandmiller.com); or by TEL (202) 663-7824.

Sincerely,



Robert A. Wimbish  
Counsel for West Michigan Railroad Company

Enclosure

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-1107X**

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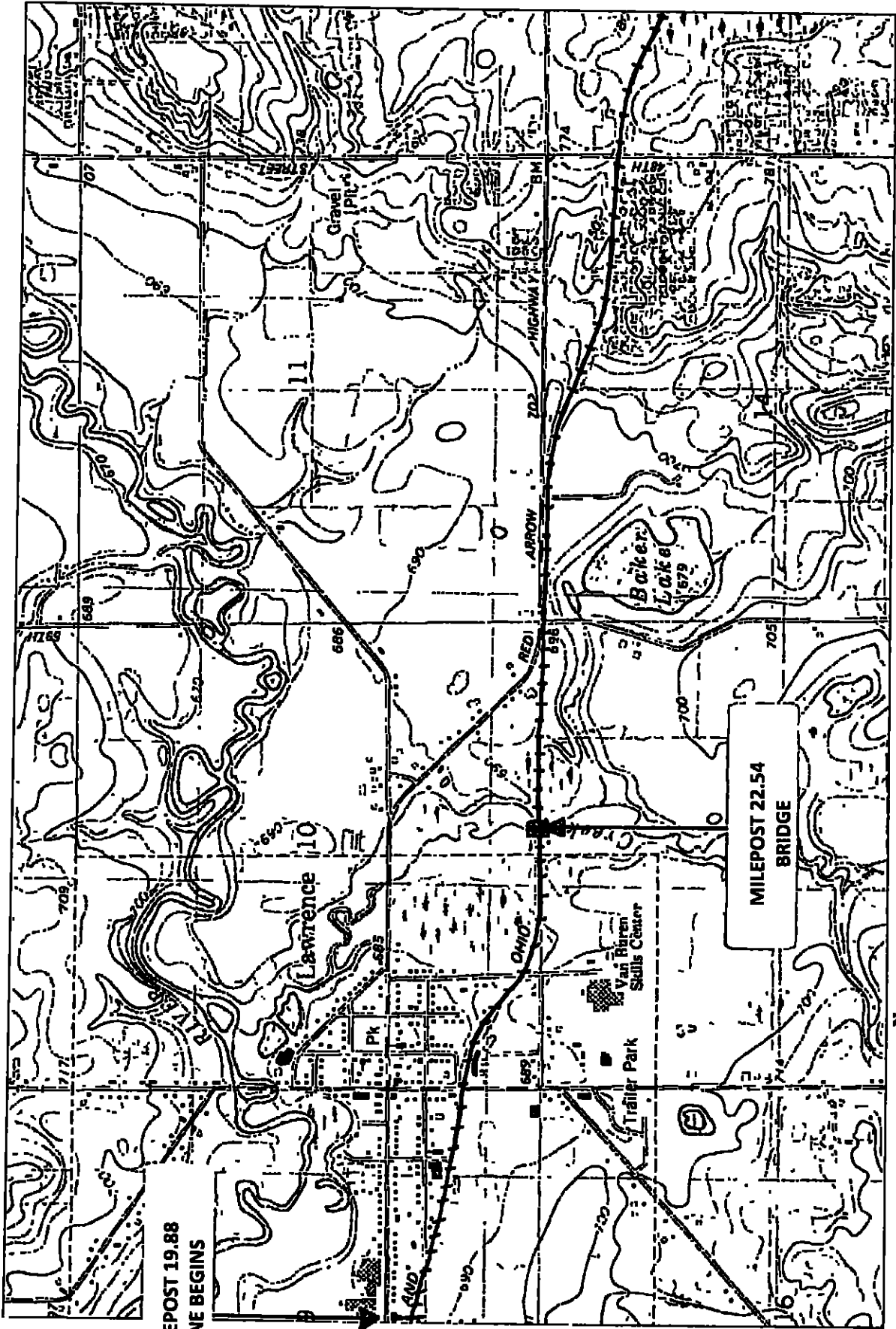
**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

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**CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT**

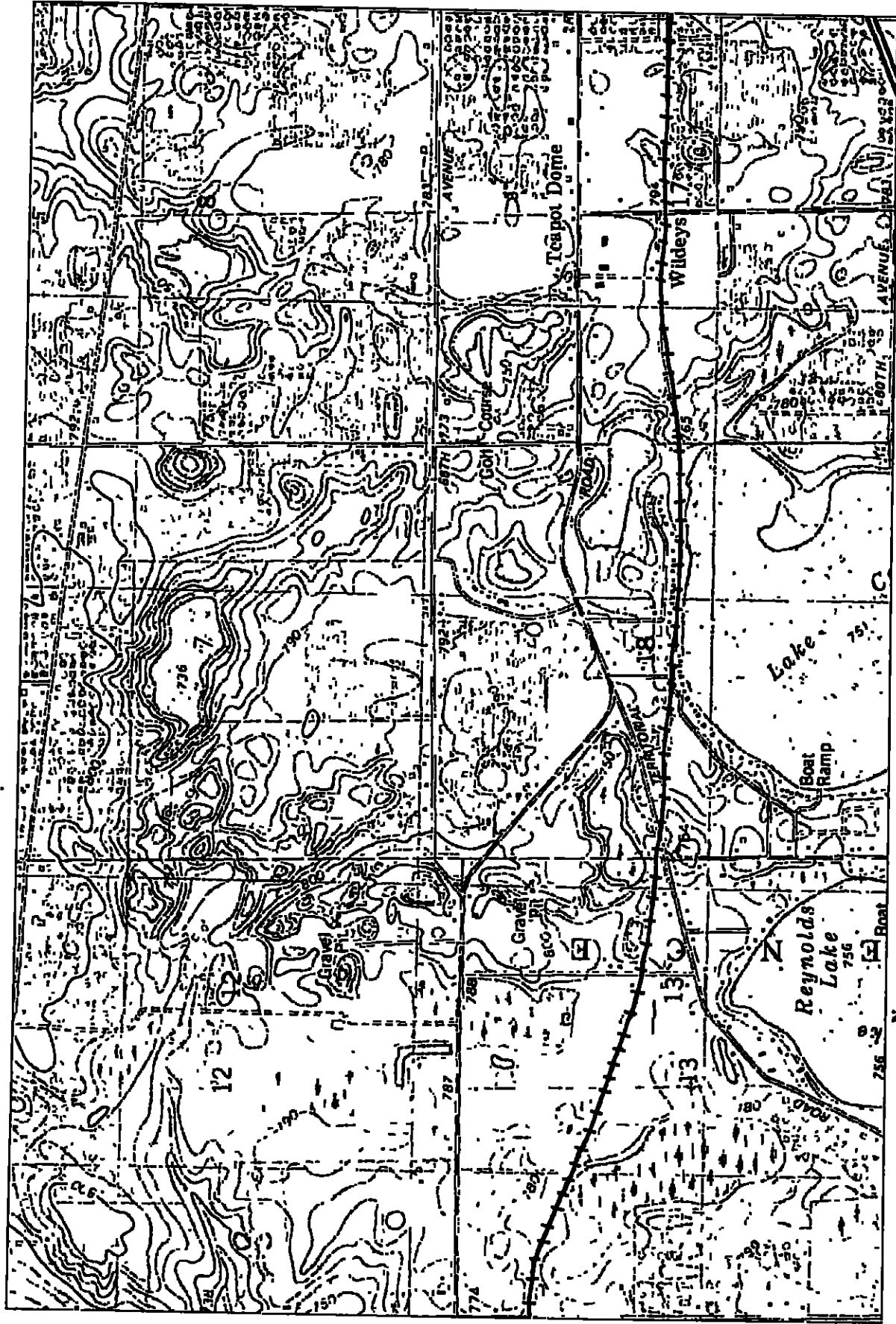
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**EXHIBIT 3 - U.S.G.S TOPOGRAPHIC MAPS**

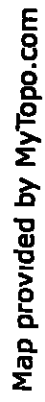


Map provided by MyTopo.com

0 0.5 MI  
0 2000 Ft



Map provided by MyTopo.com



**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

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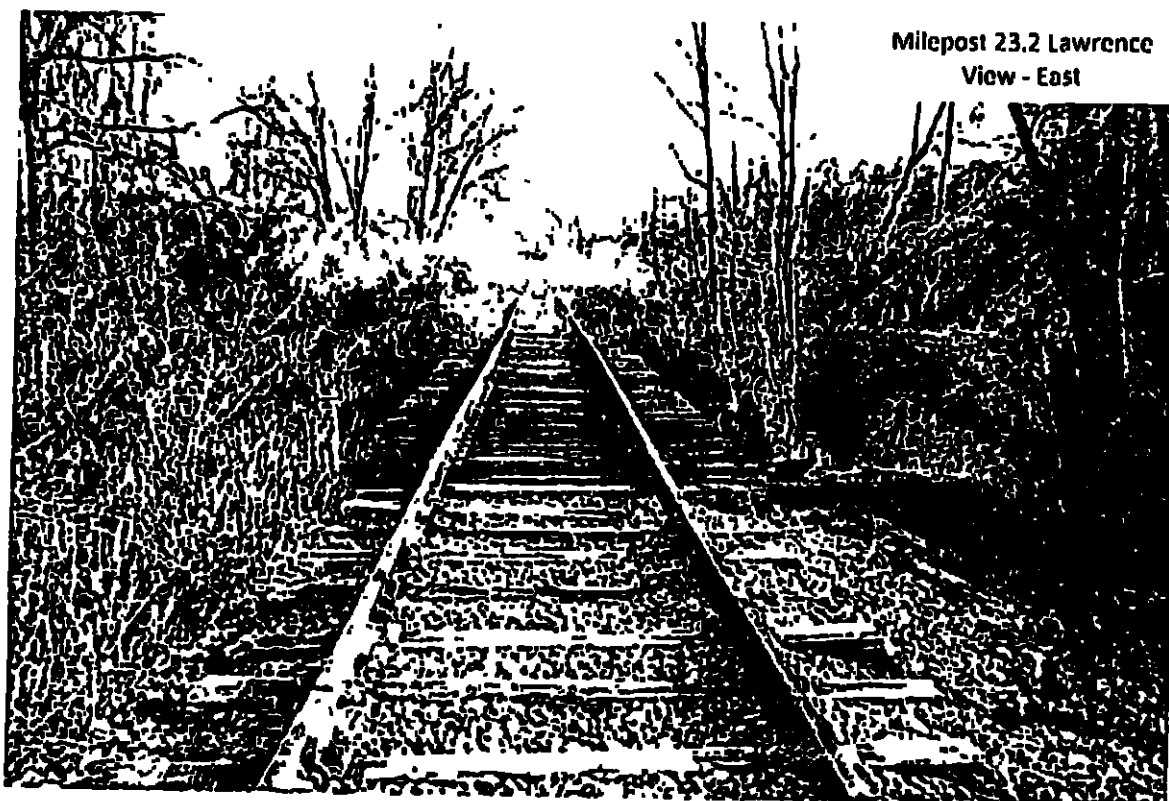
**CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT**

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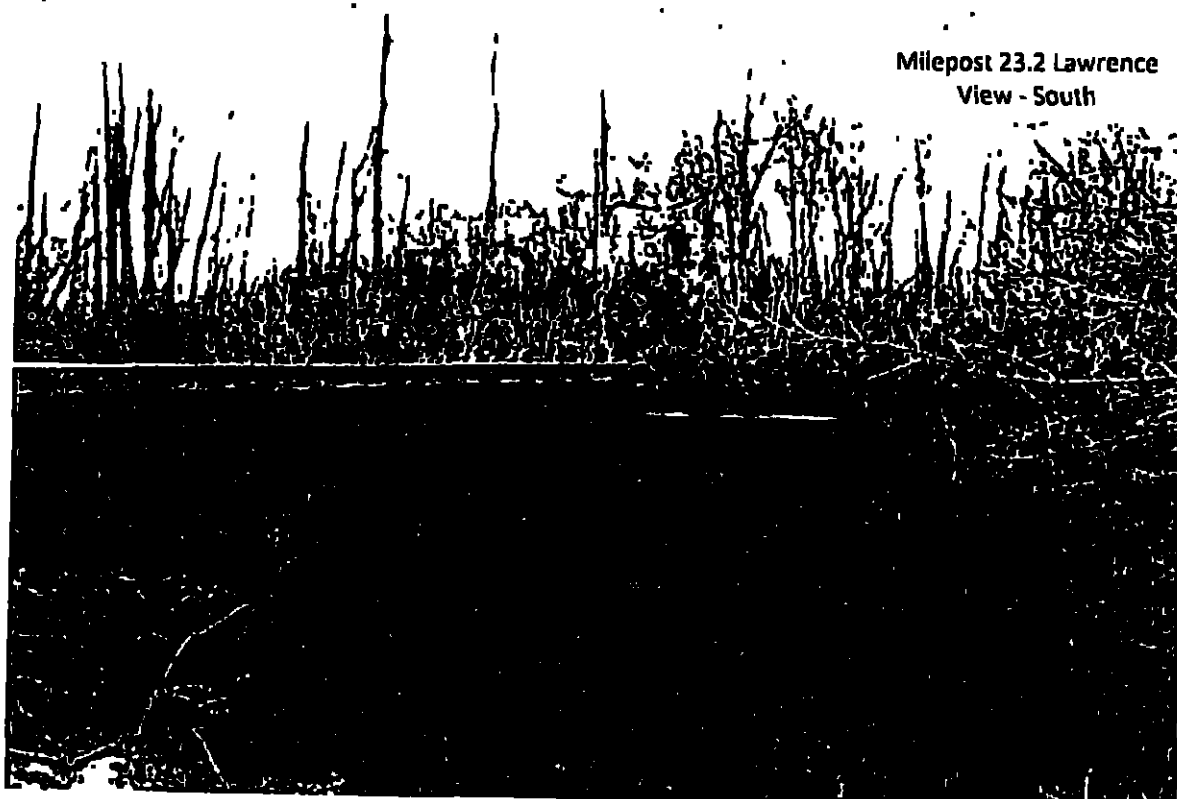
**EXHIBIT 4 - COLOR PHOTOGRAPHS (STRUCTURES) AND  
OTHER SUPPORTING MATERIAL**

**[SUPPLIED TO MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY -  
STATE HISTORIC PRESERVATION OFFICE]**

Milepost 23.2 Lawrence  
View - East

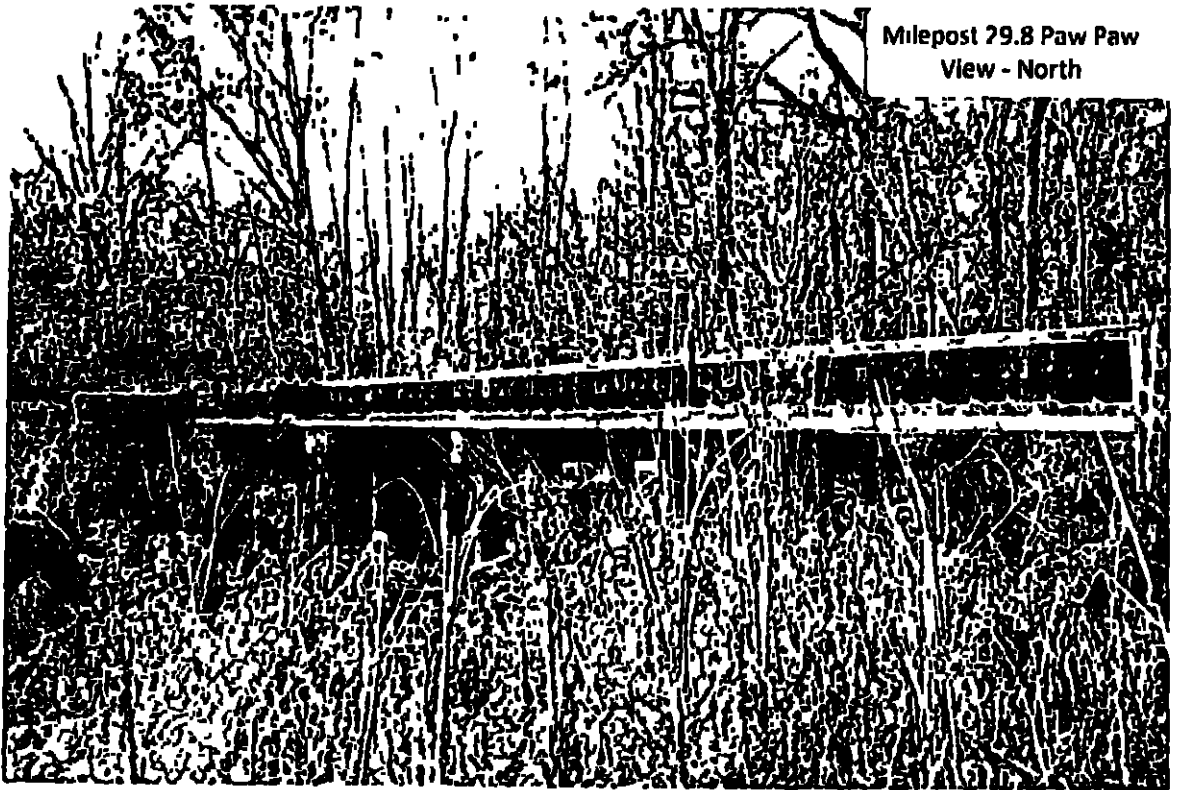


Milepost 23.2 Lawrence  
View - South

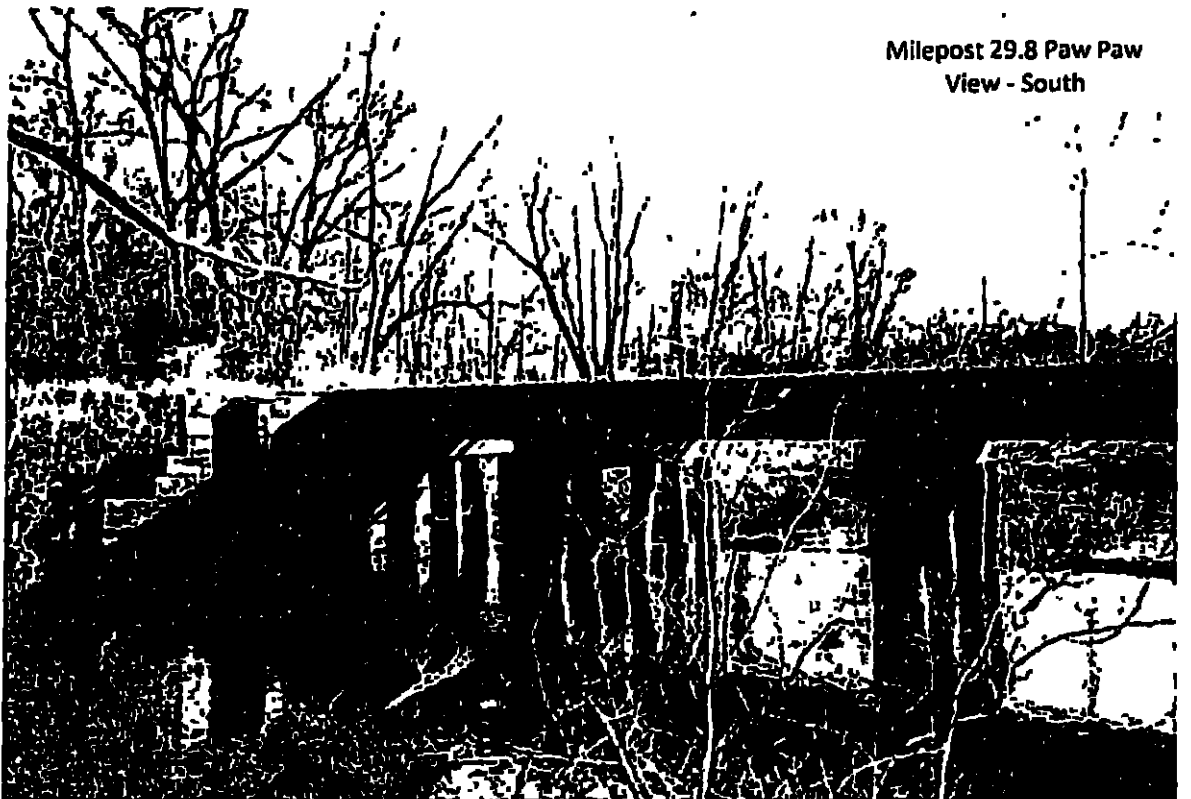




Milepost 29.8 Paw Paw  
View - North



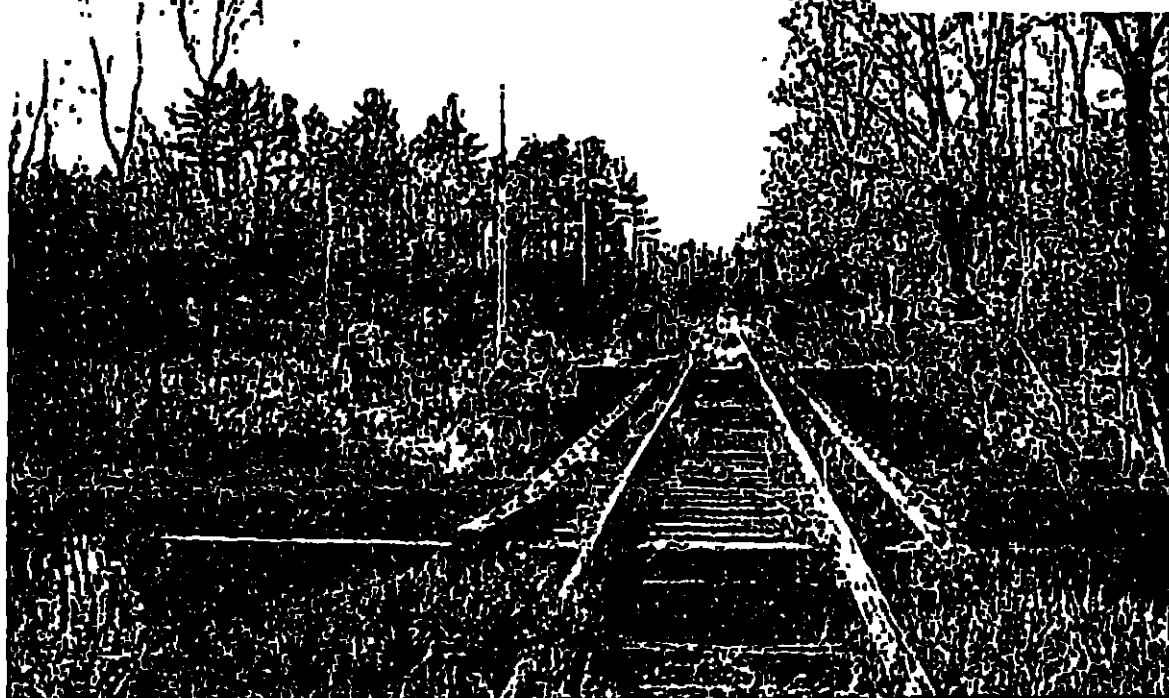
Milepost 29.8 Paw Paw  
View - South



2025 RELEASE UNDER E.O. 14176

Milepost 29.8 Paw Paw

View - West



**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-1107X**

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**WEST MICHIGAN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN VAN BUREN COUNTY, MI**

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**EXEMPTION NOTICE**

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**DRAFT NOTICE OF EXEMPTION**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No AB 1107X]

West Michigan Railroad Co —Abandonment Exemption—In Van Buren County, MI

West Michigan Railroad Co. (WMI) filed on January 8, 2013, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 10.67 miles of its railroad in Van Buren County, MI. The subject rail line extends from milepost 19.88 (west of the Line's crossing of 56<sup>th</sup> Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The line traverses United States Postal Service Zip Codes 49064 and 49079

WMI has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the subject line because the subject line is not a "through line;" (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period, and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To

address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 27, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by \_\_\_\_\_, 2013. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by \_\_\_\_\_, 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001

A copy of any petition filed with the Board should be sent to WMI's representative:  
William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, suite 300,  
Washington, DC 20037

If the verified notice contains false or misleading information, the exemption is void ab initio

WMI has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by \_\_\_\_\_. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-

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<sup>2</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>3</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2012 Update, EP 542 (Sub-No. 20) (STB served July 27, 2012), and 49 C.F.R. § 1002.2(f)(25)

0001) or by calling OEA, at (202) 245-0305 [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision

Pursuant to the provisions of 49 C.F.R. § 1152.29(c)(2), WMI shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by WMI's filing of a notice of consummation by February 27, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV"

Decided: \_\_\_\_\_.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.